

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

DERRICK LEE SMITH #267009,)	
)	
Petitioner,)	Case No. 2:07-cv-76
)	
v.)	HON. WENDELL A. MILES
)	
JOHN S. RUBITSCHUN, et al.,)	
)	
Respondents.)	
_____)	

ORDER OF DISMISSAL

This is a habeas corpus action brought by a state prisoner pursuant to 28 U.S.C. § 2254. On May 3, 2007, the court issued an order requiring Petitioner to file an amended petition because of insufficiencies in his original petition. On July 5, 2007, the court granted Petitioner's motion for an extension of time to file an amended petition, instructing Petitioner to file his amended petition by August 2, 2007. Petitioner was sent a form for filing a habeas corpus petition as prescribed by local rules of the Western District of Michigan and was instructed to file his amended petition using the form. Rule 2(c), RULES GOVERNING § 2254 CASES; W.D. Mich. LCivR 5.6(a). The form allows an applicant to list the grounds for relief, as well as the factual circumstances supporting each ground. Petitioner was provided with a form and was allowed thirty days from the date of entry of this order to refile his petition. Petitioner was warned that his case would be dismissed without prejudice should he fail to comply with the order. The time for filing an amended

petition has now elapsed, and Petitioner has not complied with the court's order. Accordingly, dismissal of this action without prejudice is appropriate.

Therefore:

IT IS ORDERED that the captioned case be and hereby is **DISMISSED** without prejudice.

Dated: September 17, 2007

/s/ Wendell A. Miles
WENDELL A. MILES
UNITED STATES DISTRICT JUDGE